

Message Text

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ACTION ARA-14

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P R 091030Z AUG 77

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 3162

INFO AMEMBASSY BERN

AMCONSUL RECIFE

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 6594

EO 11652 GDS

TAGS PGOV SHUM BR

SUBJECT: DEPORTATION PROCEEDINGS AGAINST FATHER ZUFFEREY-BRAZILIAN
FOREIGN MINISTRY EXPRESSES CONCERN OVER CONSUL'S INQUIRY

REF: RECIFE 164

1. SUMMARY: FOREIGN MINISTRY EXPRESSED CONCERN AND REQUESTED
EMBASSY TO EXPLAIN RECENT INQUIRY BY US CONSUL RECIFE INTO DEPORTA-
TION PROCEEDINGS AGAINST SWISS PRIEST (REFTEL). MINISTRY'S
INTERLOCUTOR IMPLIED THAT CONSUL MIGHT HAVE MADE REPRESENTATION
ON BEHALF OF THIRD-COUNTRY NATIONAL. AFTER ASCERTAINING FACTS
OF SITUATION, EMBASSY CONFIRMD TO FOREIGN MINISTRY THAT CONSUL'S
INQUIRY HAD BEEN OF AN INFORMATIONAL NATURE ONLY.
FOREIGN MINISTRY ACCEPTED EXPLANATION WITHOUT FURTHER COMMENT.
END SUMMARY.

2. ON JULY 29, AMBASSADOR HERMES ARAUJO (CHIEF, WESTERN HEMIS-
PHERE DEPARTMENT) SUMMONED CHARGE TO DISCUSS CERTAIN ACTIVITIES OF
US CONSUL RECIFE. THE BRAZILIAN GOVERNMENT, ARAUJO SAID, HAD
TAKEN NOTE "WITH ASTONISHMENT" (EXTRANHEZA) OF CONSUL'S ATTITUDE.
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ACCORDING TO REPORTS RECEIVED BY THE MINISTRY, THE US CONSUL HAD
APPROACHED THE SUPERINTENDENT OF POLICE IN RECIFE ON THE PENDING
DEPORTATION PROCEEDINGS AGAINST A SWIXX NATIONAL, THE ROMAN CATHOLIC
PRIEST ZUFFEREY. THE CONSUL HAD SAID HE WAS ACTING UNDER INSTRUCTIONS
,
HAD INQUIRED INTO THE STATUS OF THE PROCEEDINGS AND, ACCORDING TO
MINISTRY, HAD PRESSED THE SUPERINTENDENT TO EXPLAIN THE OFFICIAL

REASONS FOR THE PROCEEDINGS. FATHER ZUFFEREY WAS A SWISS, NOT A US CITIZEN, ARAUJO OBSERVED, AND SWITZERLAND HAD ITS OWN HONORARY CONSUL IN RECIFE. THE SUPERINTENDENT HAD EXPLAINED THAT THE PROCEEDINGS WERE DIRECTED FROM BRASILIA, AND HAD OFFERED TO PASS ON THE CONSUL'S INQUIRY TO THE NATIONAL AUTHORITIES. THE US CONSUL HAD DISCOURAGED THE SUPERINTENDENT FROM DOING SO.

3. THE CHARGE SAID THAT THE SUPERINTENDENT'S REPORT INDICATED TO HIM THAT THE US CONSUL'S APPROACH HAD BEEN INTENDED AS IN THE NATURE OF A
N
INFORMATIONAL INQUIRY, RATHER THAN A REPRESENTATION ON BEHALF OF FATHER ZUFFEREY. THE CONSUL'S APPROACH HAD NO DOUBT BEEN MADE AS PART OF THE MISSION'S REPORTING ON POTENTIAL HUMAN RIGHTS CASES CARRIED OUT UNDER WORLDWIDE GUIDELINES FROM WASHINGTON AND IN CONFORMANCE WITH US HUMAN RIGHTS POLICY. FATHER ZUFFEREY'S CASE HAD RECEIVED SUBSTANTIAL ATTENTION IN THE BRAZILIAN PRESS, AND CLEARLY WAS ENCOMPASSED IN THE MISSION'S REPORTING REQUIREMENTS. HE WOULD, HOWEVER, REVIEW WITH THE CONSUL THE PRECISE CIRCUMSTANCES OF THE LATTER'S APPROACH TO THE RECIFE AUTHORITY. ARAUJO SAID THE MINISTRY WOULD APPRECIATE A FULLER EXPLANATION OF THE CONSUL'S CONDUCT.

4. AFTER DISCUSSING THE INCIDENT WITH THE US CONSUL, THE CHARGE, ACCOMPANIED BY THE POLITICAL COUNSELOR, DELIVERED TO HERMES ARAUJO AN ORAL STATEMENT ON AUGUST 1 WHICH (A) REAFFIRMED THAT THE INQUIRY HAD BEEN OF AN INFORMATIONAL NATURE ONLY; (B) EXPLAINED THAT IT HAD BEEN MADE IN THE COURSE OF A CALL ON THE SUPERINTENDENT CONCERNING CONFIDENTIAL

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THE CAPUANO CASE; AND (C) STRESSED THAT THE CONSUL, TAKING HIS REPORTING RESPONSIBILITIES SERIOUSLY, HAD SOUGHT OFFICIAL INFORMATION ON THE CASE SO THAT HE COULD REPORT ACCURATELY AND FULLY, RATHER THAN RELYING ONLY ON THE PRESS ACCOUNT. THE CHARGE ALSO SAID THE SUGGESTION FOR A REPORT BY THE CONSUL ON THE ZUFFEREY DEPORTATION PROCEEDINGS HAD ORIGINATED WITH THE EMBASSY, IN CONFORMANCE WITH THE MISSION'S
'S
REPORTING REQUIREMENTS, AS EXPLAINED DURING THE PREVIOUS CONVERSATION. THE CONSUL HAD NOT ACCEPTED THE SUPERINTENDENT'S OFFER TO REFER HIS INQUIRY TO BRASILIA BECAUSE (A) THE INQUIRY HAD BEEN ON AN INFORMAL BASIS, AND (B) ANY APPROACH TO NATIONAL AUTHORITIES FELL PROPERLY WITHIN THE EMBASSY'S JURISDICTION. ARAUJO ACCEPTED THE EXPLANATION WITHOUT FURTHER COMMENT. THE TONE OF BOTH MEETINGS WAS SERIOUS BUT FRIENDLY.

5. ON AUGUST 4, THE CHARGE DISCUSSED THE ZUFFEREY CASE WITH THE SWISS AMBASSADOR. THE AMBASSADOR EXPRESSED UNHAPPINESS OVER THE MASSIVE PUBLICITY WHICH ZUFFEREY HAD RECEIVED, WHICH, HE ALLEGED, ORIGINATED WITH THE CHURCH RATHER THAN FROM FATHER ZUFFEREY PERSONALLY. HE HAD TAKEN UP THE CASE WITH THE FOREIGN MINISTRY AND WAS NOW SEEKING AN APPOINTMENT WITH MINISTER OF JUSTICE FALCAO. THE SWISS GOVERNMENT'S BASIC APPROACH WAS NOT TO INTERFERE

IN DEPORTATION PROCEEDINGS AS LONG AS THE DEPORTATION WAS BEING DEALT WITH PROPERLY, WITHOUT DISCRIMINATION, IN CONFORMANCE WITH THE LEGAL NORMS AND PROCEDURES OF THE COUNTRY; AMBASSADORS, HOWEVER, HAD CONSIDERABLE LATITUDE ON HOW TO PROCEED IN SPECIFIC CASES.

HE HAD STATED TO THE MINISTRY THAT THE SWISS GOVERNMENT WAS FOLLOWING THE CASE WITH GREAT INTEREST, AND HAD EXPRESSED CONFIDENCE THAT FATHER ZUFFEREY WOULD BE TREATED WITH JUSTICE. THE AMBASSADOR WAS PESSIMISTIC ABOUT FATHER ZUFFEREY'S CASE. HE FELT THE MASSIVE PUBLICITY HAD TURNED THE CASE INTO A CHURCH/STATE CONFRONTATION, PROBABLY FORCING THE JUSTICE MINISTER'S HAND POLITICALLY.

6. COMMENT: US CONSUL HAS SINCE ALSO BEEN IN CONTACT WITH SWISS HONORARY CONSUL AND IS KEEPING IN TOUCH WITH HIM ON DEVELOPMENTS
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IN ZUFFEREY CASE. SWISS AMBASSADOR DID NOT INDICATE ANY RESERVATION OR CONCERN OVER US CONSUL'S INFORMAL INQUIRY TO RECIFE POLICE AUTHORITIES.
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Disposition Date: 22 May 2009
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